

SSB 5358 - S AMD 43  
By Senator Carrell

NOT ADOPTED 03/08/2007

1 On page 1, line 4, after "(2)" insert "or (3)"

2 On page 1, line 17, after "(2)" insert "A court may compel  
3 disclosure of the identity of a source described in subsection (1)(a)  
4 of this section if, after conducting an in-camera review, the court  
5 finds that the party seeking the identity of a source has established  
6 by clear and convincing evidence:

7 (a)(i) In a criminal investigation or prosecution, that there are  
8 reasonable grounds to believe that a crime has occurred; or

9 (ii) In a civil action or proceeding, that there is a prima facie  
10 cause of action; and

11 (b) In all matters, whether criminal or civil, that:

12 (i) The identity of a source is highly material and relevant;

13 (ii) The identity of a source is critical or necessary to the  
14 maintenance of a party's claim, defense, or proof of an issue material  
15 thereto;

16 (iii) The party seeking the identity of a source has exhausted all  
17 reasonable and available means to obtain it from alternative sources;  
18 and

19 (iv) There is a compelling public interest in the disclosure.

20 (3)"

21 Renumber the remaining subsections consecutively and correct any  
22 internal references accordingly.

EFFECT: Provides that a court may compel the disclosure of the  
identity of a source if, after conducting an in-camera review, the  
court finds that the party seeking the identity of a source has

established by clear and convincing evidence: (1) In a criminal investigation or prosecution, that there are reasonable grounds to believe that a crime has occurred; or (2) in a civil action or proceeding, that there is a prima facie cause of action; and (3) in all matters, whether criminal or civil, that: (a) The identity of a source is highly material and relevant; (b) the identity of a source is critical or necessary to the maintenance of a party's claim, defense, or proof of an issue material thereto; (c) the party seeking the identity of a source has exhausted all reasonable and available means to obtain it from alternative sources; and (d) there is a compelling public interest in the disclosure.

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